

REMARKS

In the Restriction Requirement mailed January 23, 2006, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

I. Claims 1, 2, 31 and 32, drawn to a protein having SEQ ID NO. 1, a fragment of SEQ ID NO. 1, classified in class 530, subclass 350.

II. Claims 3-6, 22, 27 and 33, drawn to an antibody that selectively binds to a protein having SEQ ID NO. 1 or a fragment thereof, a pharmaceutical composition, a kit, classified in class 530, subclass 387.1.

III. Claims 7-13, 25 and 26, drawn to a method to inhibit metastasis by a cancer cell in a mammal comprising administering to the mammal an antibody that selectively binds to SEQ ID NO. 1 or a fragment of SEQ ID NO. 1, classified in class 424, subclass 130.1.

IV. Claims 14-20 and 28, drawn to a method to diagnose cancer in a mammal using an antibody that selectively binds to SEQ ID NO. 1, or a fragment thereof, classified in class 435, subclass 7.1.

V. Claims 23, 24, 29 and 30, drawn to a method to determine if a candidate agent modulates SIMA135 production by a cell, a method for determining the metastasis modulation ability of an agent classified in class 435, subclass 4.

Applicants elect with traverse **Group I, claims 1, 2, 31, 32**. Applicant cancels claims 3-30 and 33 without prejudice or disclaimer, and reserves the right to reintroduce them in one or more Divisional applications at a later date.

Because Group I is directed to a peptide and does not involve cancerous cells of certain organs, the election of a single disclosed species of cancerous cell for further prosecution is moot.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/781,564

Filing Date: February 18, 2004

Title: METHODS FOR DIAGNOSING CANCER AND DECREASING METASTASIS BY CANCER CELLS

Page 4

Dkt: 1361.036US1

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 373-6939 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JAMES P. QUIGLEY ET AL.

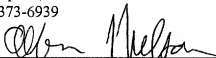
By their Representatives,

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Date

April 24, 2006

By



Albin James Nelson
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Date of Deposit: April 24, 2006

This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CANDIS BUENDING

Name

Signature

